

BORA LASKIN LAW LIBRARY



3 1761 10083662 6

MATERIALS ON THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Volume

5

Compiled by J. Claydon,  
with added materials by  
G. Morris and J. Hatfield

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

FACULTY OF LAW  
UNIVERSITY OF TORONTO

NOVEMBER - DECEMBER, 1982

(These materials have been compiled and distributed solely for the internal use of students in the International Protection of Human Rights Seminars at Osgoode Hall Law School and the Faculty of Law, University of Toronto.)

Store.  
K  
3240.3  
F74  
1982  
v.5  
c.1



MATERIALS ON THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Volume

5

Compiled by J. Claydon,  
with added materials by  
G. Morris and J. Hatfield

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

FACULTY OF LAW  
UNIVERSITY OF TORONTO

NOVEMBER - DECEMBER, 1982

(These materials have been compiled and distributed solely for the internal use of students in the International Protection of Human Rights Seminars at Osgoode Hall Law School and the Faculty of Law, University of Toronto.)



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

<https://archive.org/details/materialsoninter05clay>

TABLE OF CONTENTS

| Volume   | Page |
|--|------|
| 5  |      |
| VIII. <u>"Second Generation" Rights</u> .....  | 658  |
| A. <u>Economic, Social and Cultural Rights</u> .....   | 658  |
| The International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200 (XXI) 21 U.N. GAOR, Supp. (No. 16) 49; U.N. Doc. A/6316 (1966). See <u>Documents Supplement</u> at 15 ..... | 658  |
| Bayefsky, "Implementation Procedures: United Nations Instruments - The Economic Covenant" in <u>International Law Supplement</u> , 618.....  | 658  |
| Henkin, "Economic-Social Rights as 'Rights' - A United States Perspective", 2 <u>H.R.L.J.</u> 223 (1981).....  | 659  |
| Alston, "The United Nations' Specialized Agencies and Implementation of the International Covenant on Economic Social and Cultural Rights", (8 <u>Columbia J. Transnat'l L.</u> 79 (1979). 669 |      |
| The International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195, See <u>Documents Supplement</u> at 38.....  | 687  |
| The Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 777. See <u>Documents Supplement</u> , ...   | 687  |
| The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, U.N. Doc. A/C. c/36/6.45, See <u>Documents Supplement</u> at 81 .....        | 687  |
| B. <u>Minority Rights</u> .....  | 688  |
| Mark MacGuigan, Minister for External Affairs, Statement on "The Constitution and the Rights of Minorities", 1 June 1982   |      |
| In the Matter of <u>Lovelace v. Canada</u> , see <u>Materials</u> , Vol. 3, at 414 .....   | 692  |
| Dinstein, "Collective Human Rights of Peoples and Minorities", in Weston, Falk, & D'Amato, <u>International Law and World Order</u> , 537 .....  | 692  |
| Thornberry, "Is There a Phoenix in the Ashes? - International Law and Minority Rights", 15 <u>Texas Int'l L. J.</u> 421 .....  | 695  |
| Claydon, "The Transnational Protection of Ethnic Minorities: A Tentative Framework for Inquiry", 1975 <u>Cdn YRBK of Int'l L</u> 25.712  |      |

|   |     |
|---|-----|
| Claydon, "The International Protection of Minority Culture: National Security and the Covenant on Civil and Political Rights", (1982) .....           | 727 |
| XIX: <u>"Third Generation" Rights</u> ..... 738   |     |
| A. <u>The Right to Development</u> ..... 738  |     |
| UNESCO, "Economic Development and Human Survival" <u>Occasional Paper</u> , February 1972 .....   | 738 |
| "A Plea for Aid to '800 Million on Margin of Life', " <u>U.S. News &amp; World Report</u> , 22 December 1980 at 39 .....                              | 742 |
| "Human Right to Development", U.N. Doc. E/CN. 4/1334 at 20 ....   | 745 |
| Espiell, "The Right of Development as a Human Right", 16 <u>Texas Int'l L. J.</u> 189(1981).....  | 760 |
| Marc MacGuigan, Minister of External Affairs, Statement on "The World Challenge: International Development and East/West Tension", 29 July 1981 ..... | 768 |
| B. <u>The Right to Peace</u>  |     |
| Jimmy Carter, "Peace, Arms, World Economic Progress and Human Rights", (1977) <u>Dpt. St. Bull.</u> .....   | 772 |
| Newspaper Clippings .....   | 776 |
| Marc MacGuigan, Minister of External Affairs, Statement on "Disarmament and Development", 23 September 1980 .....                                     | 778 |
| Mark MacGuigan, Minister of External Affairs, Statement on "The Link Between Disarmament and Development", 31 October 1980 .                          | 782 |
| A.R. Menzies, Ambassador for Disarmament, Statement on International Security and Disarmament", 3 February 1982 .....                                 | 785 |
| C. <u>The Right to a Clean and Healthy Environment</u> ..... 792  |     |
| Beesley, Legal Advisor, Statement on the "Declaration on the Human Environment", 14 June 1972 .....   | 792 |
| Brownlie, "International Customary Rules of Environmental Protection", (1972-6) Vol. 4-5 (No. 2) <u>International Relations</u> 240 .....             | 795 |

|  |     |
|--|-----|
| Robinson, "Introduction: Emerging International Environmental Law, 17 <u>Stanford J. of Int'l L.</u> 229 (1981) .....  | 802 |
| Canadian Proposals for International Action on Marine Pollution from Land-Based Sources in the Context of Follow-Up to the UNEP SLM on Environmental Law (1982) .....                              | 821 |
| UNEP Draft Decision on Environmental Law (1982) .....  | 823 |
| Outline of Guidelines or Principles for the Protection of the Marine Environment from Pollution from Land-Based Sources (1982) .....   | 825 |
| Roberts, Minister of the Environment, Statement, "Acid Rain: A Serious Bi-lateral Issue", 21 June 1982 .....   | 827 |
| Roberts, Minister of the Environment, Statement, "The Urgent Need to Control Acid Raid", 24 June 1982 .....  | 831 |
| <br>   |     |
| D. <u>The Right of Individuals, Groups and Organs to Promote and Protect Human Rights</u> .....  | 835 |
| Hazzard, "How the U.N. Betrays its own Staff 9 <u>H.R.</u> 20 (1980) ..  | 835 |
| Woodhouse, "The Massacre of the Legal Profession in 60 Foreign Countries", 9 <u>H.R.</u> 36 (1980) .....   | 838 |
| U.N. Commission on Human Rights, Draft Statement on the Principles of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights", (1982) ..... | 843 |

